

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Toshio Mikiya, et al.	)	
	)	Examiner: Dunwoody, Aaron M.
Serial No. 10/808,067	)	
	)	Group Art Unit No. 3679
Filing Date: March 24, 2004	)	
	)	
For: PIPE COUPLER	)	
	)	

**Petition Under 37 CFR 1.181 for Rejoinder of Claim 11**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants petition under 37 CFR 1.181 for rejoinder of Claim 11.

In the notice of allowance dated June 12, 2008, the Examiner canceled claims 3 and 11.

Applicants respectfully contend that the cancellation of claim 11 should be withdrawn. The Examiner, in the notice of allowance, stated that the following:

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than payment of the issue fee.

Along with the present petition, Applicants submit an amendment under 37 C.F.R. 1.312.

Further, given the statement in the notice of allowance that changes unacceptable to applicants may be addressed by Applicants if submitted no later than payment of the issue fee, Applicants believe that the present petition is timely since it is submitted no later than payment of the issue fee.

By way of background, a restriction on August 17, 2008 was issued to the following species:

Group I: Figures 1-6; and

Group II: Figure 7.

The restriction further stated that “upon allowance of a generic claim, applicant will be entitled to additional species which are written in dependent form . . .” Pg. 2. Applicants elected Group I (which included original claims 1-2, 4-10, and 12) and withdrew claims 3 (dependent on claim 1) and 11 (dependent on claim 7).

Applicants prosecuted claims 7-10 and 12 to allowance without amending those claims. Applicants believe that claim 11 should be rejoined and therefore request the withdrawal of the cancellation of claim 11.

Applicants discussed the cancellation of claim 11 with the Examiner, who stated the following in an interview summary dated August 14, 2008:

claim 11 has not been rejoined because independent claim 7 does not operate in the same manner as the second embodiment; meaning claim 7 is not generic. Examiner directed Applicant's representative to paragraph [0084] to illustrate how the second embodiment operation differs from the first embodiment.

Applicants appreciate the time taken by the Examiner in reviewing the application and issuing the interview summary. After review of the interview summary, Applicants maintain that the claim 11 should be rejoined. Claim 11 recites the following:

11. A female coupler as set forth in claim 7 further comprising a second urging member for urging said outer movable member from said unlocking position towards said locking position.

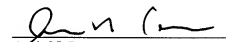
Figure 7, which was subject to the species restriction, includes all of the limitations of allowed claim 7, and further includes the “second urging member”. Further, paragraph [0084], discussed in the interview summary dated August 14, 2008, is as follows:

FIG. 7 illustrates a female coupler 68 in accordance with another embodiment of the present invention. **The female coupler 68 has a structure similar to that of the first embodiment, and like elements are denoted by like reference numerals.** The female coupler 68 is different from the first embodiment in that the former includes a coil spring 70. Further, the inner tubular member 27 is shorter in its axial direction, than that of the first embodiment, to the extent that when the male coupler has not been connected to the female coupler 1 and, thus, the inner tubular member 27 is positioned at its advanced position, as shown in FIG. 7, the inner tubular member 27 does not engage with the locking balls 22, while the large diameter portion thereof engages with holding balls 30. When the inner tubular member 27 has been moved rearwards by the male coupler 2

inserted into the female coupler 1 so that the large diameter portion thereof disengages from the holding balls 30, the holding balls 30 are allowed to radially inwardly and disengage from an annular groove 32 formed in a sleeve 24, whereby the force of the coil spring 70 urges the sleeve 24 forwards so that when an annular groove 64 of the male coupler 2 has been brought to an axial position where the locking ball can be received into the annular groove 64 for connection of the male coupler with the female coupler, the sleeve 24 is moved forwards and force the locking balls 22 into the annular groove 64 of the male coupler. Preferably, the large diameter portion of the inner tubular member 27 is adapted to disengage from the holding balls 30 when the annular groove 64 of the male coupler 2 has been brought to the axial position where the locking ball can be received into the annular groove 64 of the male coupler 2. (Emphasis added).

Paragraph [0084] states that the “female coupler 68 has a structure similar to that of the first embodiment”. Paragraph [0084] further refers to some additional features different from the first embodiment. The different features relate solely to “coil spring 70” and “inner tubular member 27”. The spring 70 is the feature as claimed in claim 11. The inner tubular member 27 is not recited claim 7. Therefore, Figure 7 includes all of the limitations in claim 7, and includes the limitations in claim 11. Applicants therefore request the rejoinder of claim 11.

Respectfully submitted,

  
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